

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**IN RE: ETHICON, INC., PELVIC REPAIR  
SYSTEM PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

(SEE ATTACHED SCHEDULE)

**CONDITIONAL REMAND ORDER**

The transferee court in this litigation has advised the Panel that coordinated or consolidated pretrial proceedings in the action(s) on this conditional remand order have been completed and that remand to the transferor court(s), as provided in 28 U.S.C. § 1407(a), is appropriate.

IT IS THEREFORE ORDERED that the action(s) on this conditional remand order be remanded to its/their respective transferor court(s).

IT IS ALSO ORDERED that, pursuant to Rule 10.2 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the transmittal of this order to the transferee clerk for filing shall be stayed 7 days from the date of this order. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel. This order does not become effective until it is filed in the office of the Clerk for the United States District Court for the Southern District of West Virginia.

IT IS FURTHER ORDERED that, pursuant to Rule 10.4(a), the parties shall furnish the Clerk for the Southern District of West Virginia with a stipulation or designation of the contents of the record to be remanded.

Inasmuch as no objection is pending at this time, the stay is lifted.

**May 22, 2019**

CLERK'S OFFICE  
UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FOR THE PANEL:



John W. Nichols  
Clerk of the Panel

**A TRUE COPY CERTIFIED ON**

**5/22/2019**

[Date]

**RORY L. PERRY II, CLERK  
U.S. District Court  
Southern District of West Virginia  
By: Megan E. Kirk Deputy**

**IN RE: ETHICON, INC., PELVIC REPAIR  
SYSTEM PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

**SCHEDULE FOR CRO**

<b>TRANSFeree</b>			<b>TRANSFEROR</b>			<b><u>CASE CAPTION</u></b>
<b><u>DIST</u></b>	<b><u>DIV.</u></b>	<b><u>C.A.NO.</u></b>	<b><u>DIST</u></b>	<b><u>DIV.</u></b>	<b><u>C.A.NO.</u></b>	
WVS	2	18-00390	NM	2	18-00181	Garner v. Ranka

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
  
CHARLESTON DIVISION**

IN RE: ETHICON, INC.  
PELVIC REPAIR SYSTEMS  
PRODUCTS LIABILITY LITIGATION

MDL 2327

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THIS DOCUMENT RELATES TO

*Marie A. Garner v. Prakash Ranka, M.D.*

2:18-cv-00390

**ORDER AND SUGGESTION OF REMAND**

Pursuant to 28 U.S.C. § 1407 and the Rules for Multidistrict Litigation promulgated thereunder, specifically Rule 10.1(b), the court suggests that this action be remanded to the United States District Court from which it came, the United States District Court for the District of New Mexico. Accordingly, the court **ORDERS** that Plaintiff's Motion to Remand (ECF No. 21) is **GRANTED**.

This case was transferred by the Judicial Panel on Multidistrict Litigation to the Southern District of West Virginia and is related to MDL 2327, 2:12-md-2327, one of several MDLs assigned to me by the Panel. The MDL defendants, Ethicon, Inc., *et al.*, have been dismissed from the case, leaving only the non-MDL defendant, Parkash Ranka, M.D. Given the posture and in order to promote the final resolution of this case, it appears to the court that the case should be returned to the District Court from which it came.

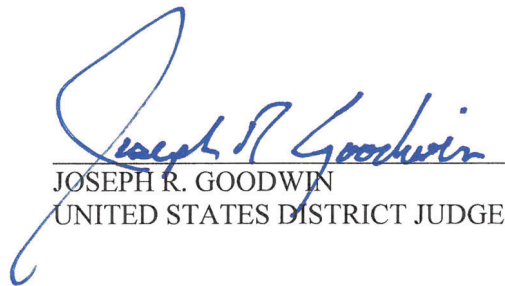
Accordingly, upon receipt of an order to remand from the Clerk of the Judicial Panel on Multidistrict Litigation *and* the timely filing of any joint designations of the MDL 2327 record by

counsel in the individual case (as outlined below), it is **ORDERED**, pursuant to 28 U.S.C. § 1407, that on **May 20, 2019** (10 days after the date of entry of the order) (hereinafter the “Transfer Date”) that this case shall, assuming it remains pending, be remanded by the Clerk of this court to the United States District Court for the District of New Mexico. On or before **May 20, 2019** (10 days after the date of entry of the order), the parties are **ORDERED** to confer and to file in this case, all documents from the main MDL that the parties jointly deem relevant to constitute an appropriate record for the receiving court to consider. When filing the documents from the main MDL, the parties are directed to use the CM/ECF event entitled “Designation of Record for MDL Transfers” (available under Civil > Other Filings > Other Documents). When completing the event, the “Main Document” should be the list of joint designations from the main MDL, and the “Attachments” should be each individual document on the joint designation list with the “Description” being the ECF number and a brief description of the document (i.e. ECF 96 – Joint Stipulation of Experts). If this case is pending on the Transfer Date, it shall be remanded, and the parties shall bear the consequences in the receiving court of any failure to prepare an appropriate record as directed in this order. The parties and the receiving court are hereby advised that all Pretrial Orders entered in this matter are available for review on the court’s website at [www.wvsc.uscourts.gov/MDL/2327/orders.html](http://www.wvsc.uscourts.gov/MDL/2327/orders.html) and the master docket sheet can be found on CM/ECF at 2:12-md-2327.

Any joint motion to dismiss may be ruled upon and any proper stipulation of dismissal may close a case prior to remand. On the Transfer Date, the Clerk is hereby **DIRECTED** to utilize the appropriate function in CM/ECF to extract this member case, if it remains pending, and remand it to the United States District Court for the District of New Mexico. After remand of this case, the Clerk is **DIRECTED** to formally close the case and strike it from the docket of this court.

The court further **DIRECTS** that a copy of this Order and Suggestion of Remand be filed in this case and sent to the Clerk of the MDL Panel and counsel of record or any unrepresented party.

ENTER: May 10, 2019



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE

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**United States**

**United States Judicial Panel on Multidistrict Litigation**

**Notice of Electronic Filing**

The following transaction was entered on 5/22/2019 at 10:32 AM EDT and filed on 5/22/2019

**Case Name:** IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation

**Case Number:** [MDL No. 2327](#)

**Filer:**

**Document Number:** No document attached

**Docket Text:**

**\*\*\*TEXT ONLY ENTRY\*\*\***

**MINUTE ORDER - TO INVOLVED CLERKS - Conditional Remand Order Finalized on 5/22/19. Please see pleading ([3613] in MDL No. 2327, 9 in NM/2:18-cv-00181).**

**A copy of the transferee court's Suggestion of Remand from the transferee court is attached to the Conditional Remand Order.**

**As stipulated in Rule 10.2(b) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, transmittal of the order has been stayed 7 days to give any party an opportunity to oppose the remand. The 7-day period has now elapsed, no opposition was received, and the order is directed to you for filing.**

**The order was entered pursuant to 28 U.S.C. 1407(a) which provides that each action so transferred by the Panel shall be remanded by the Panel at or before the conclusion of such pretrial proceedings to the district from which it was transferred. Parties are to furnish S.D. West Virginia with a stipulation or designation of the contents of the record to be remanded and all necessary copies of any pleading or other matter filed to comply with the remand order.**

**Signed by Clerk of the Panel John W. Nichols on 5/22/2019.**

**Associated Cases: MDL No. 2327, NM/2:18-cv-00181 (TB)**

**Case Name:** Garner v. Ranka

**Case Number:** [NM/2:18-cv-00181](#)

**Filer:**

**Document Number:** No document attached

**Docket Text:**

**\*\*\*TEXT ONLY ENTRY\*\*\***

**MINUTE ORDER - TO INVOLVED CLERKS - Conditional Remand Order Finalized on 5/22/19. Please see pleading ( [3613] in MDL No. 2327, 9 in NM/2:18-cv-00181).**

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**The order was entered pursuant to 28 U.S.C. 1407(a) which provides that each action so transferred by the Panel shall be remanded by the Panel at or before the conclusion of such pretrial proceedings to the district from which it was transferred. Parties are to furnish S.D. West Virginia with a stipulation or designation of the contents of the record to be remanded and all necessary copies of any pleading or other matter filed to comply with the remand order.**

**Signed by Clerk of the Panel John W. Nichols on 5/22/2019.**

**Associated Cases: MDL No. 2327, NM/2:18-cv-00181 (TB)**

**No public notice (electronic or otherwise) sent because the entry is private**

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**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

**United States**

**United States Judicial Panel on Multidistrict Litigation**

**Notice of Electronic Filing**

The following transaction was entered on 5/22/2019 at 10:30 AM EDT and filed on 5/22/2019

**Case Name:** IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation

**Case Number:** [MDL No. 2327](#)

**Filer:**

**Document Number:** [3613](#)

**Docket Text:**

**CONDITIONAL REMAND ORDER FINALIZED (re: pldg. ([3611] in MDL No. 2327, 7 in NM/2:18-cv-00181) ) - 1 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.**

**Signed by Clerk of the Panel John W. Nichols on 5/22/2019.**

**(Attachments: # (1) Other Suggestion of Remand (WVS 2:18-390))**

**Associated Cases: MDL No. 2327, NM/2:18-cv-00181 (TB)**

**Case Name:** Garner v. Ranka

**Case Number:** [NM/2:18-cv-00181](#)

**Filer:**

**Document Number:** [9](#)

**Docket Text:**

**CONDITIONAL REMAND ORDER FINALIZED (re: pldg. ( [3611] in MDL No. 2327, 7 in NM/2:18-cv-00181) ) - 1 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.**

**Signed by Clerk of the Panel John W. Nichols on 5/22/2019.**

**(Attachments: # [1] Other Suggestion of Remand (WVS 2:18-390))**

**Associated Cases: MDL No. 2327, NM/2:18-cv-00181 (TB)**



**MDL No. 2327 Notice has been electronically mailed to:**

Carl N Frankovitch carln@facslaw.com

Michael J. Farrell mjf@farrell3.com

Michael Bonasso mbonasso@fsblaw.com, etaylor@fsblaw.com, mdl@fsblaw.com,  
nthompson@fsblaw.com

Harry F Bell, Jr hfbell@belllaw.com

DAVID B. THOMAS dthomas@tcspllc.com, rdavis@tcspllc.com

Paul T. Farrell, Jr PAUL@GREENEKETCHUM.COM, lora@greeneketchum.com

Marc E. Williams marc.williams@nelsonmullins.com

**MDL No. 2327 Notice will not be electronically mailed to:**

**NM/2:18-cv-00181 Notice has been electronically mailed to:**

William M. Gage william.gage@butlersnow.com, ashley.lampkin@butlersnow.com,  
brenda.jones@butlersnow.com, brian.jackson@butlersnow.com, catherine.mason@butlersnow.com,  
david.johnson@butlersnow.com, diane.wigley@butlersnow.com, ecf.notices@butlersnow.com,  
jackie.johnson@butlersnow.com

Timothy C. Holm timothy.holm@modrall.com

Alex Cameron Walker awalker@modrall.com, victorial@modrall.com

Susan M. Robinson srobinson@tcspllc.com

Rebecca S Kenny rsk@madisonlaw.com, betty@madisonlaw.com

James P Lyle pennname@prodigy.net

**NM/2:18-cv-00181 Notice will not be electronically mailed to:**

Prakash Ranka  
4612 Windsor Ridge Drive  
Irving, TX 75038

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

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**Document description:**Other Suggestion of Remand (WVS 2:18-390)

**Original filename:**n/a

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